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MAIL STOP NON-FEE AMENDMENT
PATENT
4301-1005-1

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Werner Josef FRANTSITS

Conf. No. 3705

Serial No. 10/085,000

Group 1614

Filed March 1, 2002

Examiner Brian Kwon

AQUEOUS FORMULATION OF BETA CAROTENE

SUPPLEMENTAL AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 9, 2004

Sir:

Further to the amendment of May 7, 2004, please amend the above-identified application as follows:

In light of the amendment filed on May 7, 2004 and the present amendment, applicant believes that this application has been amended in a manner that places it in condition for allowance at the time of the next Official Action.

Prior to the filing of a Request for Continued Examination (RCE) and the amendment of May 7, 2004, the claims were rejected as allegedly being obvious in view of KOLTER et al. in view of CALOIANU et al. and END et al.

As noted in the Amendment of May 7, 2004, Applicant believes that the proposed combination of KOLTER et al. in view of CALOIANU et al. and END et al. fails to disclose or suggest

the claimed invention. Moreover, applicants also believe that the claimed invention exhibits unexpected results that demonstrate that the claimed invention is not obvious to one skilled in the art.

As evidence of this assertion, the Examiner's attention is respectfully directed to the attached declaration by W.J. Franstits. Applicants believe that the declaration further emphasizes that one of ordinary skill in the art would lack the motivation to combine Kolter et al. with either of the other two publications, i.e., with Caloianu et al. and/or End et al. The declaration also further explains that unlike the cited prior art, the claimed method produces a clear and stable solution.

In view of the amendment of May 7, 2004, the present amendment and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 1-17, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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